

**Board of Pilot Commissioners for the Bays
of San Francisco, San Pablo and Suisun**

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June 14, 2010

NOTICE OF BOARD MEETING

The Board of Pilot Commissioners will hold its next regular meeting on Thursday, **June 24, 2010, at 9:30 a.m.** at the Board of Pilot Commissioners office, Pier 9, Suite 102, San Francisco, California.

Items of business scheduled for the meeting are listed on the below Agenda.

This meeting is accessible to the physically disabled. Persons requesting further information or needing an accommodation or modification to enable them to participate should call the board office at (415) 397-2253 or write to the Board at the above address. Requests for accommodation should be made no later than five working days before the meeting.

A copy of the notice and agenda is also available on the Board's website at:
www.pilotcommission.org

BOARD OF PILOT COMMISSIONERS

A handwritten signature in black ink, appearing to read "Allen Garfinkle".

Allen Garfinkle
Executive Director

BOARD OF PILOT COMMISSIONERS
AGENDA
June 24, 2010
9:30 A.M.

OPEN MEETING

Call to Order and Roll Call

1) Request Approval of Minutes

Approval of the May 27, 2010 regular Board meeting minutes.

2) Announcements –President Miller

Announcement of events affecting Board business since the last monthly Board meeting.

3) Board Member Activities – Board Members

Reports by board members having board business related activities since the last board meeting or planned prospectively.

4) Executive Director's Report - Executive Director Garfinkle

A) Correspondence and activities since the May 27, 2010 meeting.

B) Report on pilot licensing matters in the past month and current month.

C) Report on surcharges received by the Board.

D) Report on legislative activities and contractual matters.

5) Port Agent's Report – San Francisco Bar Pilot (SFBP) Port Agent Captain Peter McIsaac

A) Monthly report on SFBP ship piloting business activity.

B) Monthly report on pilot availability and absences.

C) Monthly confidential written report of AMFR's presented to Board. **Board may go into Closed Session to discuss contents of the Port Agents confidential report as authorized by the Open Meeting Act , Government Code Section 11126 (c)(2).**

6) Reported Safety Standard Violations and Investigations - Executive Director Garfinkle

No new reports have been received at the time of the issuance of this notice. (Potential reports received between the issuance of this notice and the meeting will be reported.)

7) Reportable Piloting Events – Executive Director Garfinkle

Initial Report of May 26, 2010 grounding of the Keegan Foss made fast to the Medi Osaka in Santa Fe Channel, Richmond Inner Harbor.

No other new events have been reported at the time of issuance of this notice. (Potential reports received between the issuance of this notice and the meeting will be reported.)

June 24,, 2010 Board Meeting – Order of business is approximate and subject to change

8) Rules and Regulations Committee - Commissioner Wainwright

- A) Report on June 14, 2010 committee meeting.
- B) Report on Status of formal rulemaking on PPU's and Investigator Minimum Standards.

9) Finance Committee - Commissioner Osen

- A) Report on June 17, 2010 committee meeting.
- B) Report on status of surcharge audit contracting.
- C) Review of Pilot Boat surcharge and adjust if necessary. **Possible Board action.**
- D) Review of Navigation Technology surcharge and adjust if necessary. **Possible Board action.**
- E) Review of Trainee Training surcharge and adjust if necessary. **Possible Board action.**
- F) Report of recommendation by the Finance Committee with respect to adjustment to authorized SFBP bar pilotage mil rate. **Possible Board action to ratify the adjustment.**

10) Pilot Evaluation Committee - Captain E. Nyborg

- A) Report on June 16th, 2010 committee meeting.
- B) Discussion on Trainee Exam Progress and Timeline. **Possible Board Action to change or cancel or defer exam based on possible inadequate number of candidates.**
- C) Possible recommendation for the appointment of a new pilot or pilots; **Possible Board Action**
- D) Appointment to the Pilot Evaluation Committee. Recommendation by the Port Agent. Board interview with recommended Committee candidate. **Possible Board Action to appoint a pilot to the Board's Pilot Evaluation Committee.**
- E) Dismissal of Pilot Trainee during First Year of Training

On May 28, 2010, during the first year of training, the Executive Director dismissed pilot trainee Michael K. Peery from the Pilot Trainee Training Program. The Executive Director seeks ratification by the Board of this action, which was taken under section 214(f) of the Board's regulations. **Board Action**

The Board may go into closed session to deliberate concerning the preceding item, as authorized by the Open Meeting Act, Government Code section 11126(c)(3).

11) Pilot Fitness Committee - Commissioner Roberts

Report on Fitness Committee activities since prior board meeting.

12) Pilot Pension Committee – Commissioner Tate

13) Low Sulfur Fuel – Commissioner Osen

Report on low sulfur fuel issue activities occurred since prior board meeting.

14) Board Regulations – Vice President Tate.

Consideration of modification to Board Regulation 207 to provide that a Board member may be elected to a two year term of office as Vice President and be re-elected without limitation to number of terms. **Possible Board Action to direct staff and Rules and Regulations Committee to begin the rulemaking process.**

June 24th, 2010 Board Meeting – Order of business is approximate and subject to change

15) Financial Integrity and State Manager's Accountability (FISMA) Act of 1983.

Consideration of draft report on the review of the board's systems of internal control for the biennial period ended December 31, 2009. **Possible Board Action to adopt the report and associated Correctiove Action Report and direct the Board President to communicate the report to the Secretary of Business, Transportation and Housing.**

16) Public Comment on Matters not on the Agenda

17) Proposals for Additions to Next Month's Agenda

18) Incident Review Committee Report – Executive Director Garfinkle

A) XIN NING BO Incident of February 7, 2009 and Accusation initiated by the Board v. Capt. Michael Simenstad. The Board previously has voted to consider the Accusation in a hearing with an Administrative Law Judge presiding. The Board has discussed the merits of, instead, referring the matter to the ALJ sitting without the Board. **Possible Board Action to request that the matter be referred to an ALJ sitting without the Board.**

B) IRC Incident report on the May 15th, 2010 allision of the R/V FROSTI with Pier 27. **Board Action.**

CLOSED MEETING

The Board may go into closed session to address the following item, as authorized by the Open Meeting Act, Government Code Section 11126(e)(1)

19) Confer with the Board's litigation counsel regarding pending litigation in *United States of America v. M/V COSCO BUSAN, et al.*, U.S. District Court Case No. C-07-06045 SC; *Regal Stone Ltd., et al. v. Cota, San Francisco Bar Pilots Assn., et al.*, U.S. District Court Case No. C-08-05098; *People of the State of California (Caltrans) v. Regal Stone, Ltd, et al.*, U.S. District Court Case No. C-08-2268 SC; *Anderson et al. v. Cota, et al*, San Francisco Superiour Court Case No. CGC-09-483409; and *Regal Stone v. People of the State of California*, Sacramento Superior Court Case No. 34-2009-00035918, including cross-actions, counter-claims, and related actions pending in federal and state court arising out of the same incident.

19) Adjournment

Note: There may be a break for lunch at the discretion of the President.